

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	No. 20-CR-30166-SPM
v.)	
)	
EMMITT T. TINER,)	
)	
Defendant.)	

**DEFENDANT EMMIT TINER'S MOTION TO CONTINUE
FINAL PRETRIAL CONFERENCE AND TO CONTINUE THE TRIAL**

COMES NOW Defendant, by and through his undersigned counsel, and for his Motion to Continue Final Pretrial Conference and to Continue the Trial states as follows:

The indictment in this case was returned on November 18, 2020. The indictment contains 54 counts and charges the defendants with Extortion (18 U.S.C. § 1951), Interstate Communications with Intent to Extort (18 U.S.C. § 875(b)), Wire Fraud (18 U.S.C. § 1343), Mail Fraud (18 U.S.C. § 1341), Health Care Fraud (18 U.S.C. § 1347), Money Laundering (18 U.S.C. § 1956(a)(1)(B)(i)), Monetary Transactions in Criminally Derived Property (18 U.S.C. § 1957), Aggravated Identity Theft (18 U.S.C. § 1028A), Material Misstatement of Fact to a Domestic Financial Institution (31 U.S.C. § 5324(a)(2)), Use of a Social Security Number of Another Person in Violation of Law (42 U.S.C. § 408(a)(8)), and False Representation of a Social Security Number (42 U.S.C. § 408(a)(7)(B)). The indictment also seeks forfeiture of property traceable to the proceeds of these criminal violations.

Pursuant to this Court's Order on December 2, 2021, this matter was set for a final pretrial conference on March 22, 2022 at 9:00 a.m. and for trial on April 12, 2022 at 9:00 a.m. (Doc. 101).

Based upon counsel's review of the discovery in this matter and conversations counsel had with government counsel, on November 24, 2021, Defendant filed a Motion to Dismiss the Indictment, or in the Alternative, to Disqualify Prosecution Team premised on allegations that the government unconstitutionally invaded and violated Defendant's attorney-client privilege. Defendant has requested an evidentiary hearing on this motion and intends to call witnesses and make a full record of the issues raised in his motion.

The Government filed its response to Defendant's motion on December 22, 2021 (Doc. 104) and the Defendant filed his reply on January 20, 2022 (Doc. 118). On February 3, 2022, this Court set this matter for an evidentiary hearing on February 25, 2022 at 1:30 p.m. (Doc. 121).

Counsel for the Defendant is requesting a continuance of the trial in this matter and of the final pretrial conference in order to have sufficient time to adequately and effectively prepare for trial after the Court issues a ruling on the pending motion. Counsel for the Defendant will also be attending an out-of-town wedding April 7 through April 10, 2022, which is the weekend immediately preceding the current trial setting.

Defense counsel has conferred with counsel for the Government and counsel for the Government has no objection to Defendant's request made herein. For scheduling purposes, both counsel for the Defendant and counsel for the Government are available for trial anytime beginning the week of July 11, 2022. Both parties expect the trial will last approximately two (2) weeks.

As indicated above, the Government does not oppose and is in agreement with Defendant's motion filed herein.

WHEREFORE Defendant prays that this Honorable Court grant his Motion to Continue the Final Pretrial Conference and to Continue the Trial, and for such further orders as the Court deems just and proper.

Respectfully submitted,

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/s/ William S. Margulis

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ATTORNEY FOR DEFENDANT

Certificate of Service

I hereby certify that the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon the Office of the United States Attorney.

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